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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,163	05/15/2001	Michael Ehrhart	283-325	3286
7590	03/12/2004		EXAMINER	
WALL MARJAMA & BILINSKI 101 South Salina Street, Suite 400 Syracuse, NY 13202			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/858,163	EHRHART, MICHAEL
	Examiner Kimberly D. Nguyen	Art Unit 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) 1-10 is/are allowed.
 6) Claim(s) ____ is/are rejected.
 7) Claim(s) ____ is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.
 |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
 | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Specification***

1. The abstract of the disclosure is objected to because the abstract is too long (more than 150 words) and the phrase "The present invention is" on line 1 should be deleted (i.e., the abstract should start with "An imaging device equipped with..."). Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Allowable Subject Matter

3. Claims 1-10 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The record of prior art fails to specifically teach an imaging device configured to capture a frame of image data corresponding to a present field of view of the device in response to an image capture command, the device including: an imaging assembly; and a control circuit having an associated memory in communication with the imaging assembly, wherein the control circuit is configured to operate the device in at least "message only", "image only" and "two step message and image" modes of operation so that when the "message only" mode is selected, the

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control circuit captures a frame of image data into the memory, decodes decodable indicia represented in the frame, and stores into a designated message memory location of the memory a decoded-out message corresponding to the decodable indicia in response to an image capture command, when the "image only" mode is selected, the control circuit stores a frame of image data into a designated frame storage location of the memory without attempting to decode decodable indicia represented in the frame in response to receipt of an image capture command, and when the "two step message and image" mode is selected, the control circuit captures a first frame of image data, generates a decoded-out message from the first captured frame of image data in response to receipt of a first image capture command, stores a second frame of image data into a designated frame storage memory location in response to receipt of a second image capture command, and associates the decoded-out message with the second frame of image data stored in the designated frame storage memory location.

Dunton et al. (US 6,512,541; hereinafter "Dunton '541") teaches an imaging apparatus that is configured to operate in at least two modes, wherein the first mode is suitable for still image capturing, and the second mode is suitable for video image capture and other rapid frame rate applications.

Dunton et al. (US 6,556,242; hereinafter "Dunton '242") teaches an electronic system including signal processing circuitry that can operate in video and still image modes, wherein incoming image data is processed and compressed according to the operating mode.

Helton et al. (US 6,357,662; hereinafter "Helton") teaches a handheld, dual-mode asset tracking reader with light-activated switch, which is manually activated by a user, wherein the

switch is activated for taking the first action and taking the second action when the switch is not activated.

Madan et al. (US 5,496,992; hereinafter "Madan") teaches a dual trigger multiplexed data entry terminal having data entry program downloaded from a host computer, is capable of capturing product data through a terminal scanner or through a data entry keypad, which is remote from the host computer.

Itoh et al. (US 5,496,992; hereinafter "Itoh") teaches a system and method of reading barcode with two scanning beams, wherein a button is manually operable by an operator for switching from the first and second scan patterns.

Camara et al. (US 6,373,507; hereinafter "Camara") teaches an image acquisition system has a computer and one or more imaging devices coupled to the computer, wherein the imaging device has a device memory and is capable of capturing a digital image and storing the image in its memory.

However, Dunton '541, Dunton '242, Helton, Madan, and Itoh, taken alone or in combination thereof, fails to specifically teach an imaging device having a control circuit having an associated memory in communication with the imaging assembly, wherein the control circuit is configured to operate the device in at least "message only", "image only" and "two step message and image" modes of operation so that when the "message only" mode is selected, the control circuit captures a frame of image data into the memory, decodes decodable indicia represented in the frame, and stores into a designated message memory location of the memory a decoded-out message corresponding to the decodable indicia in response to an image capture command, when the "image only" mode is selected, the control circuit stores a frame of image

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data into a designated frame storage location of the memory without attempting to decode decodable indicia represented in the frame in response to receipt of an image capture command, and when the "two step message and image" mode is selected, the control circuit captures a first frame of image data, generates a decoded-out message from the first captured frame of image data in response to receipt of a first image capture command, stores a second frame of image data into a designated frame storage memory location in response to receipt of a second image capture command, and associates the decoded-out message with the second frame of image data stored in the designated frame storage memory location.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. This application is in condition for allowance except for the following formal matters:
Minor informality objection to the abstract (as discussed above).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Nguyen

KDN

8 March 2004

Karl D. Frech

KARL D. FRECH
PRIMARY EXAMINER